

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**MVP COMPOUNDS, INC. DBA SANTA MONICA MEDICAL PLAZA  
PHARMACY, MOUIZ KOHANGHADOSH**

**Permit No. PHY 51669,**

**and**

**MOUIZ KOHANGHADOSH**

**Pharmacist License No. RPH 62065**

**Respondents.**

**Agency Case No. 6865**

**OAH No. 2021120526**

## DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on October 19, 2022.

It is so ORDERED on September 19, 2022.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" being clearly legible.

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 LESLIE A. WALDEN  
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7

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **MVP COMPOUNDS, INC. DBA SANTA**  
14 **MONICA MEDICAL PLAZA**  
15 **PHARMACY, MOUIZ**  
16 **KOHANGHADOSH**  
1260 15th St., Ste 100  
Santa Monica, CA 90404

17 **Permit No. PHY 51669,**

18 **and**

19 **MOUIZ KOHANGHADOSH**  
17810 Erwin St.  
20 Encino, CA 91316

21 **Pharmacist License No. RPH 62065**

22 Respondents.  
23  
24  
25

Case No. 6865

OAH No. 2021120526

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO MOUIZ  
KOHANGHADOSH**

26 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
27 entitled proceedings that the following matters are true:  
28

1 **PARTIES**

2 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
3 (Board). She brought this action solely in her official capacity and is represented in this matter by  
4 Rob Bonta, Attorney General of the State of California, by Leslie A. Walden, Deputy Attorney  
5 General.

6 2. Respondent Mouiz Kohanghadosh (Respondent) is represented in this proceeding by  
7 attorney Ivan Petrzeka, Esq., whose address is: California Pharmacy Lawyers, 9090 Irvine  
8 Center Drive, Irvine, CA 92618.

9 3. On or about December 26, 2008, the Board of Pharmacy issued Pharmacist License  
10 Number RPH 62065 to Respondent. The Pharmacist License was in full force and effect at all  
11 times relevant to the charges brought herein and will expire on August 31, 2022, unless renewed.

12 **JURISDICTION**

13 4. Accusation No. 6865 was filed before the Board, and is currently pending against  
14 Respondent. The Accusation and all other statutorily required documents were properly served  
15 on Respondent on December 22, 2020. Respondent timely filed his Notice of Defense contesting  
16 the Accusation.

17 5. A copy of Accusation No. 6865 is attached as exhibit A and incorporated herein by  
18 reference.

19 **ADVISEMENT AND WAIVERS**

20 6. Respondent has carefully read, fully discussed with counsel, and understands the  
21 charges and allegations in Accusation No. 6865. Respondent has also carefully read, fully  
22 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
23 Order.

24 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
25 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
26 the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
27 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
28

documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

### **CULPABILITY**

9. Respondent understands and agrees that the charges and allegations in Accusation No. 6865, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist License.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that his Pharmacist License is subject to discipline and agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

### **CONTINGENCY**

12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw this agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

#### **DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Pharmacist License No. RPH 62065 issued to Respondent Mouiz Kohanghadosh is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

**1. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within seventy- two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

1 Failure to timely report such occurrence shall be considered a violation of probation.

2 **2. Report to the Board**

3 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its  
4 designee. The report shall be made either in person or in writing, as directed. Among other  
5 requirements, Respondent shall state in each report under penalty of perjury whether there has  
6 been compliance with all the terms and conditions of probation.

7 Failure to submit timely reports in a form as directed shall be considered a violation of  
8 probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
9 total period of probation. Moreover, if the final probation report is not made as directed,  
10 probation shall be automatically extended until such time as the final report is made and accepted  
11 by the Board.

12 **3. Interview with the Board**

13 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
14 with the Board or its designee, at such intervals and locations as are determined by the Board or  
15 its designee. Failure to appear for any scheduled interview without prior notification to Board  
16 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee  
17 during the period of probation, shall be considered a violation of probation.

18 **4. Cooperate with Board Staff**

19 Respondent shall timely cooperate with the Board's inspection program and with the  
20 Board's monitoring and investigation of Respondent's compliance with the terms and conditions  
21 of Respondent's probation, including but not limited to: timely responses to requests for  
22 information by Board staff; timely compliance with directives from Board staff regarding  
23 requirements of any term or condition of probation; and timely completion of documentation  
24 pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a  
25 violation of probation.

26 **5. Continuing Education**

27 Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
28 pharmacist as directed by the Board or its designee.

1                   **6.     Reporting of Employment and Notice to Employers**

2                   During the period of probation, Respondent shall notify all present and prospective  
3 employers of the decision in case number 6865 and the terms, conditions and restrictions imposed  
4 on respondent by the decision, as follows:

5                   Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
6 undertaking any new employment, Respondent shall report to the Board in writing the name,  
7 physical address, and mailing address of each of Respondent's employer(s), and the name(s) and  
8 telephone number(s) of all of Respondent's direct supervisor(s), as well as any pharmacist(s)-in-  
9 charge, designated representative(s)-in-charge, responsible manager, or other compliance  
10 supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for  
11 leaving the prior employment. Respondent shall sign and return to the Board a written consent  
12 authorizing the Board or its designee to communicate with all of Respondent's employer(s) and  
13 supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the Board  
14 or its designee, concerning Respondent's work status, performance, and monitoring. Failure to  
15 comply with the requirements or deadlines of this condition shall be considered a violation of  
16 probation.

17                  Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
18 Respondent undertaking any new employment, Respondent shall cause (a) Respondent's direct  
19 supervisor, (b) Respondent's pharmacist-in-charge, designated representative-in-charge,  
20 responsible manager, or other compliance supervisor, and (c) the owner or owner representative  
21 of Respondent's employer, to report to the Board in writing acknowledging that the listed  
22 individual(s) has/have read the decision in case number 6865, and terms and conditions imposed  
23 thereby. If one person serves in more than one role described in (a), (b), or (c), the  
24 acknowledgment shall so state. It shall be the Respondent's responsibility to ensure that these  
25 acknowledgment(s) are timely submitted to the Board. In the event of a change in the person(s)  
26 serving the role(s) described in (a), (b), or (c) during the term of probation, Respondent shall  
27 cause the person(s) taking over the role(s) to report to the Board in writing within fifteen (15)  
28

1 days of the change acknowledging that he or she has read the decision in case number 6865, and  
2 the terms and conditions imposed thereby.

3 If Respondent works for or is employed by or through an employment service, Respondent  
4 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board  
5 of the decision in case number 6865, and the terms and conditions imposed thereby in advance of  
6 Respondent commencing work at such licensed entity. A record of this notification must be  
7 provided to the Board upon request.

8 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
9 (15) days of Respondent undertaking any new employment by or through an employment service,  
10 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment  
11 service to report to the Board in writing acknowledging that he or she has read the decision in  
12 case number, and the terms and conditions imposed thereby. It shall be Respondent's  
13 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

14 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
15 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board  
16 shall be considered a violation of probation.

17 "Employment" within the meaning of this provision includes any full-time, part-time,  
18 temporary, relief, or employment/management service position as a Pharmacist, or any position  
19 for which a Pharmacist is a requirement or criterion for employment, whether the Respondent is  
20 an employee, independent contractor or volunteer.

21 **7. Notification of Change(s) in Name, Address, or Phone Number**

22 Respondent shall further notify the Board in writing within ten (10) days of any change in  
23 name, residence address, mailing address, e-mail address or phone number.

24 Failure to timely notify the Board of any change in employer, name, address, or phone  
25 number shall be considered a violation of probation.

26 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

27 During the period of probation, Respondent shall not supervise any intern pharmacist, be  
28 the pharmacist-in-charge, designated representative-in-charge, responsible manager, supervising

1 pharmacist, quality manager, or other supervisor, except at MVP Compounds, Inc., dba Santa  
2 Monica Medical Plaza Pharmacy, nor serve as a consultant of any entity licensed by the board.  
3 Assumption of any such unauthorized supervision responsibilities shall be considered a violation  
4 of probation.

5 **9. Reimbursement of Board Costs**

6 As a condition precedent to successful completion of probation, Respondent shall pay to the  
7 Board its costs of investigation and prosecution in the amount of \$15,000, joint and severally with  
8 MVP Compounds, Inc., dba Santa Monica Medical Plaza Pharmacy. Respondent shall be  
9 permitted to pay these costs in a payment plan approved by the Board or its designee, so long as  
10 full payment is completed no later than one (1) year prior to the end date of probation. Failure to  
11 pay costs by the deadlines as directed shall be considered a violation of probation.

12 **10. Probation Monitoring Costs**

13 Respondent shall pay any costs associated with probation monitoring as determined by the  
14 Board each and every year of probation. Such costs shall be payable to the Board on a schedule  
15 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
16 shall be considered a violation of probation.

17 **11. Status of License**

18 Respondent shall, at all times while on probation, maintain an active, current Pharmacist  
19 License with the Board, including any period during which suspension or probation is tolled.  
20 Failure to maintain an active, current Pharmacist License shall be considered a violation of  
21 probation.

22 If Respondent's Pharmacist License expires or is cancelled by operation of law or otherwise  
23 at any time during the period of probation, including any extensions thereof due to tolling or  
24 otherwise, upon renewal or reapplication Respondent's license shall be subject to all terms and  
25 conditions of this probation not previously satisfied.

26 **12. License Surrender While on Probation/Suspension**

27 Following the effective date of this decision, should Respondent cease practice due to  
28 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,

Respondent may relinquish his license, including any indicia of licensure issued by the Board, along with a request to surrender the license. The Board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the Board. Upon acceptance of the surrender, Respondent shall relinquish his pocket and/or wall license, including any indicia of licensure not previously provided to the Board within ten (10) days of notification by the Board that the surrender is accepted if not already provided. Respondent may not reapply for any license from the Board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

### **13. Practice Requirement – Extension of Probation**

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a Pharmacist in California for a minimum of 100 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, Respondent must nonetheless comply with all terms and conditions of probation, unless Respondent receives a waiver in writing from the Board or its designee.

If Respondent does not practice as a Pharmacist in California for the minimum number of hours in any calendar month, for any reason (including vacation), Respondent shall notify the Board in writing within ten (10) days of the conclusion of that calendar month. This notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume practice at the required level. Respondent shall further notify the Board in writing within ten (10) days following the next calendar month during which Respondent practices as a Pharmacist in California for the minimum of hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

1 It is a violation of probation for Respondent's probation to be extended pursuant to the  
2 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
3 exceeding thirty-six (36) months. The Board or its designee may post a notice of the extended  
4 probation period on its website.

5  
6 **14. Violation of Probation**

7 If Respondent has not complied with any term or condition of probation, the Board shall  
8 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent  
9 that probation shall automatically be extended, until all terms and conditions have been satisfied  
10 or the Board has taken other action as deemed appropriate to treat the failure to comply as a  
11 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
12 Board or its designee may post a notice of the extended probation period on its website.

13 If Respondent violates probation in any respect, the Board, after giving Respondent notice  
14 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
15 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during  
16 probation, or the preparation of an accusation or petition to revoke probation is requested from  
17 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of  
18 probation shall be automatically extended until the petition to revoke probation or accusation is  
19 heard and decided.

20 **15. Completion of Probation**

21 Upon written notice by the Board or its designee indicating successful completion of  
22 probation, Respondent's license will be fully restored.

23 **16. Remedial Education**

24 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
25 Board or its designee, for prior approval, an appropriate program of remedial education related to  
26 pharmacy law and operations, prescription drug abuse and corresponding responsibility. The  
27 program of remedial education shall consist of at least six (6) hours per year, which shall be  
28 completed at Respondent's own expense. All remedial education shall be in addition to, and shall

1 not be credited toward, continuing education (CE) courses used for license renewal purposes for  
2 pharmacists.

3 Failure to timely submit for approval or complete the approved remedial education shall be  
4 considered a violation of probation. The period of probation will be automatically extended until  
5 such remedial education is successfully completed and written proof, in a form acceptable to the  
6 board, is provided to the Board or its designee.

7 Following the completion of each course, the Board or its designee may require the  
8 Respondent, at his own expense, to take an approved examination to test the Respondent's  
9 knowledge of the course. If the Respondent does not achieve a passing score on the examination  
10 that course shall not count towards satisfaction of this term. Respondent shall take another course  
11 approved by the Board in the same subject area.

#### 12 **17. No Ownership or Management of Licensed Premises**

13 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a  
14 manager, administrator, member, officer, director, trustee, associate, or partner of any additional  
15 business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns  
16 or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,  
17 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently  
18 or hereinafter licensed by the Board, Respondent may continue to serve in such capacity or hold  
19 that interest, but only to the extent of that position or interest as of the effective date of this  
20 decision. Violation of this restriction shall be considered a violation of probation.

#### 21 **ACCEPTANCE**

22  
23 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
24 discussed it with my attorney, Ivan Petrzeka, Esq. I understand the stipulation and the effect it  
25 will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary  
26 Order as to Mouiz Kohanghadosh voluntarily, knowingly, and intelligently, and agree to be  
27 bound by the Decision and Order of the Board of Pharmacy.  
28

1 DATED: \_\_\_\_\_

2 MOUIZ KOHANGHADOSH  
3 *Respondent*

4 I have read and fully discussed with Respondent Mouiz Kohanghadosh the terms and  
5 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order  
6 as to Mouiz Kohanghadosh. I approve its form and content.

7  
8 DATED: \_\_\_\_\_

9 IVAN PETRZELKA, ESQ.  
10 *Attorney for Respondent*

11 **ENDORSEMENT**

12  
13 The foregoing Stipulated Settlement and Disciplinary Order as to Mouiz Kohanghadosh is  
14 hereby respectfully submitted for consideration by the Board of Pharmacy.

15 DATED: \_\_\_\_\_

16 Respectfully submitted,

17 ROB BONTA  
18 Attorney General of California  
19 THOMAS L. RINALDI  
20 Supervising Deputy Attorney General

21 LESLIE A. WALDEN  
22 Deputy Attorney General  
23 *Attorneys for Complainant*

24  
25 LA2019505531  
26 65176827.docx

1 DATED: 06/10/2022

*Mouiz Kohanghadosh*  
MOUIZ KOHANGHADOSH  
Respondent

2  
3  
4 I have read and fully discussed with Respondent Mouiz Kohanghadosh the terms and  
5 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order  
6 as to Mouiz Kohanghadosh. I approve its form and content.

7  
8  
9 DATED: June 10, 2022

*Ivan Petrzelka*  
IVAN PETRZELKA, ESQ.  
Attorney for Respondent

10  
11 **ENDORSEMENT**

12  
13 The foregoing Stipulated Settlement and Disciplinary Order as to Mouiz Kohanghadosh is  
14 hereby respectfully submitted for consideration by the Board of Pharmacy.

15  
16 DATED: 6/13/22

Respectfully submitted,

17 ROB BONTA  
Attorney General of California  
18 THOMAS L. RINALDI  
Supervising Deputy Attorney General

19 *Leslie Walden*

20 LESLIE A. WALDEN  
Deputy Attorney General  
21 Attorneys for Complainant  
22  
23  
24

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27  
28

**Exhibit A**

**Accusation No. 6865**

1 XAVIER BECERRA  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 LESLIE A. WALDEN  
Deputy Attorney General  
4 State Bar No. 196882  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6865

13 **MVP COMPOUNDS, INC. DBA SANTA**  
14 **MONICA MEDICAL PLAZA**  
15 **PHARMACY, MOUIZ**  
16 **KOHANGHADOSH, OWNER,**  
17 **PRESIDENT, CEO, CFO, AND**  
18 **PHARMACIST IN CHARGE**  
19 **1260 15th St., Ste 100**  
20 **Santa Monica, CA 90404**

**ACCUSATION**

21 **Permit No. PHY 51669,**

22 **and**

23 **MOUIZ KOHANGHADOSH**  
24 **1260 15th St.**  
25 **Santa Monica, CA 90404**

26 **Pharmacist License No. RPH 62065**

27 Respondents.  
28

1  
2 **PARTIES**

3 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
4 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

5 2. On or about November 25, 2013, the Board of Pharmacy issued Permit Number PHY  
6 51669 to MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, Mouiz  
7 Kohanghadosh, Owner, President, CEO, CFO, and Pharmacist in Charge. The Permit was in full  
8 force and effect at all times relevant to the charges brought herein and will expire on November 1,  
9 2022, unless renewed.

10 3. On or about December 26, 2008, the Board of Pharmacy issued Pharmacist License  
11 Number RPH 62065 to Mouiz Kohanghadosh. The Pharmacist License was in full force and  
12 effect at all times relevant to the charges brought herein and will expire on August 31, 2022,  
13 unless renewed.

14 **JURISDICTION**

15 4. This Accusation is brought before the Board of Pharmacy (Board), Department of  
16 Consumer Affairs, under the authority of the following laws. All section references are to the  
17 Business and Professions Code (Code) unless otherwise indicated.

18 5. Section 22 of the Code states:

19 “Board” as used in any provisions of this code, refers to the board in which the  
20 administration of the provision is vested, and unless otherwise expressly provided, shall include  
21 “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,”  
22 “program,” and “agency.”

23 6. Section 4300.1 of the Code states:

24 The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation  
25 of law or by order or decision of the board or a court of law, the placement of a license on a  
26 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of  
27 jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
28 proceeding against, the licensee or to render a decision suspending or revoking the license.

7. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Section 4307 subdivision (a) of the Code states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

(b) “Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license” as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee..

## **STATUTORY PROVISIONS**

9. Section 4022 of the Code states

Dangerous drug or dangerous device means any drug or device unsafe for self-use in humans or animals, and includes the following:

1 (a) Any drug that bears the legend: Caution: federal law prohibits dispensing without  
2 prescription, Rx only, or words of similar import.

3 (b) Any device that bears the statement: Caution: federal law restricts this device to sale by  
4 or on the order of a \_\_\_\_\_, Rx only, or words of similar import, the blank to be filled in  
5 with the designation of the practitioner licensed to use or order use of the device.

6 (c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
7 prescription or furnished pursuant to Section 4006.

8 10. Section 4301 of the Code states:

9 "The board shall take action against any holder of a license who is guilty of unprofessional  
10 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is  
11 not limited to, any of the following:

12 . . .

13 (d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)  
14 of Section 11153 of the Health and Safety Code .

15 ...

16 (j) The violation of any of the statutes of this state, of any other state, or of the United  
17 States regulating controlled substances and dangerous drugs

18 ...

19 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
20 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
21 federal and state laws and regulations governing pharmacy, including regulations established by  
22 the board or by any other state or federal regulatory agency.

23 11. Health and Safety Code section 11153 provides:

24 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical  
25 purpose by an individual practitioner acting in the usual course of his or her professional practice.  
26 The responsibility for the proper prescribing and dispensing of controlled substances is upon the  
27 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the  
28

1 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)  
2 an order purporting to be a prescription which is issued not in the usual course of professional  
3 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of  
4 controlled substances, which is issued not in the course of professional treatment or as part of an  
5 authorized narcotic treatment program, for the purpose of providing the user with controlled  
6 substances, sufficient to keep him or her comfortable by maintaining customary use."

### 7 **REGULATORY PROVISIONS**

8 12. Section 1761 of the title 16 of the California Code of Regulations states:

9 (a) No pharmacist shall compound or dispense any prescription which contains any  
10 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any  
11 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to  
12 validate the prescription.

13 (b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense  
14 a controlled substance prescription where the pharmacist knows or has objective reason to know  
15 that said prescription was not issued for a legitimate medical purpose.

### 16 **COST RECOVERY**

17 13. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
18 administrative law judge to direct a licensee found to have committed a violation or violations of  
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case.

### 21 **DEFINITION**

22 14. Roxicodone 30mg, the brand name for oxycodone 30 mg, is a dangerous drug  
23 pursuant to Business and Professions Code section 4022, and is a Schedule II Controlled  
24 Substance pursuant to Health and Safety Code section 11055 subdivision (b)(1)(M). It is  
25 commonly used to treat pain.

### 26 **FACTUAL ALLEGATIONS**

27 15. On or about December 17, 2018, a Board Inspector conducted an inspection of  
28 Respondents MVP Compounds Inc. (MVP), doing business as Santa Monica Medical Plaza

1 Pharmacy (SMMP) and Pharmacist In Charge (PIC) Mouiz Kohanghadosh (MK). SMMP was an  
2 independent pharmacy in a medical building and PIC MK, was present and assisted in the  
3 inspection. The investigation was conducted in response to the suspicious order report, where the  
4 Board reviewed a Controlled Substance Utilization Review and Evaluation System (CURES)  
5 report for SMMP. In reviewing the CURES report, the Board identified an irregular controlled  
6 substance dispensing profile for Dr. YY<sup>1</sup>. Specifically, the CURES report indicated between  
7 approximately June 23, 2015 and June 1, 2018, SMMP dispensed 599 controlled substance  
8 prescriptions written by Dr. YY and 574 (or 95.83%) of these were written for oxycodone 30 mg.

### 9 **FIRST CAUSE FOR DISCIPLINE**

10 (Irregular or Uncertain Prescriptions against Respondent MVP dba SMMP, MK)

11 16. Respondent MVP dba SMMP is subject to disciplinary action under Code section  
12 4301, subdivisions (d), (j), and (o), in conjunction with Health and Safety Code section 11153,  
13 subdivision (a) and California Code of Regulations sections 1761, in that Respondent MVP dba  
14 SMMP, MK dispensed at least 543 prescriptions under the prescribing authority of Dr. YY in the  
15 presence of significant factors of irregularity from approximately December 8, 2015 to November  
16 26, 2018.

17 17. The circumstances are as follows:

18 a. From approximately October 03, 2016 to November 26, 2018, oxycodone 30  
19 mg tablets accounted for over 93% of Dr. YY's total prescribing. Additionally, from December  
20 08, 2015 to October 02, 2016, oxycodone 30 mg represented 94.17% of Dr. YY's Schedule II to  
21 Schedule IV controlled substance prescribing.

22 b. From approximately October 03, 2016 to November 26, 2018, oxycodone 30  
23 mg and promethazine/codeine syrup combined to account for over 96% of Dr. YY's total  
24 prescribing at SMMP.

25  
26  
27  
28 <sup>1</sup> Initials are used in lieu of real names in order to protect the privacy interests of said individuals.

1 c. Eighty (80) patients received prescriptions from Dr. YY at SMMP from  
2 approximately October 03, 2016 to November 26, 2018. All of these patients received at least one  
3 prescription for oxycodone 30 mg tablets.

4 d. Dr. YY prescribed immediate release oxycodone tablets exclusively in the  
5 highest available strength. Dr. YY's prescribing included 508 prescriptions for oxycodone 30 mg  
6 tablets and no prescriptions for any lower strength.

7 e. At least eight (8) patients of Dr. YY paid between \$300 and \$450 for 80 to 120  
8 oxycodone 30 mg tablets.

9 f. A CURES report for SMMP indicated all of Dr. YY's Schedule II-IV  
10 prescriptions processed before approximately June 13, 2016 were purchased in cash, without the  
11 aid of prescription insurance.

12 g. From approximately October 03, 2016 to November 26, 2018, there were  
13 numerous instances when SMMP processed multiple similar prescriptions from Dr. YY on the  
14 same day and assigned these prescription consecutive prescription numbers.

15 18. Additional facts and circumstances in support of these allegations are set forth in  
16 paragraph 15, above, and are incorporated herein as set forth in full.

17 **SECOND CAUSE FOR DISCIPLINE**

18 (Irregular or Uncertain Prescriptions against Respondent MK)

19 19. Respondent MK is subject to disciplinary action under Code section 4301,  
20 subdivisions (d), (j), and (o), in conjunction with Health and Safety Code section 11153,  
21 subdivision (a) and California Code of Regulations sections 1761, in that Respondent MK  
22 dispensed at least 543 prescriptions under the prescribing authority of Dr. Young YY in the  
23 presence of significant factors of irregularity from approximately December 8, 2015 to November  
24 26, 2018.

25 20. The circumstances are as follows:

26 a. From approximately October 03, 2016 to November 26, 2018, oxycodone 30  
27 mg tablets accounted for over 93% of Dr. YY's total prescribing. Additionally, from December  
28

08, 2015 to October 02, 2016, oxycodone 30 mg represented 94.17% of Dr. YY' s Schedule II to Schedule IV controlled substance prescribing.

b. From approximately October 03, 2016 to November 26, 2018, oxycodone 30 mg and promethazine/codeine syrup combined to account for over 96% of Dr. YY's total prescribing at SMMP.

c. Eighty (80) patients received prescriptions from Dr. YY at SMMP from approximately October 03, 2016 to November 26, 2018. All of these patients received at least one prescription for oxycodone 30 mg tablets.

d. Dr. YY prescribed immediate release oxycodone tablets exclusively in the highest available strength. Dr. YY's prescribing included 508 prescriptions for oxycodone 30 mg tablets and no prescriptions for any lower strength.

e. At least eight (8) patients of Dr. YY paid between \$300 and \$450 for 80 to 120 oxycodone 30 mg tablets.

f. A CURES report for SMMP indicated all of Dr. YY's Schedule II-IV prescriptions processed before approximately June 13, 2016 were purchased in cash, without the aid of prescription insurance.

g. From approximately October 03, 2016 to November 26, 2018, there were numerous instances when SMMP processed multiple similar prescriptions from Dr. YY on the same day and assigned these prescription consecutive prescription numbers.

21. Additional facts and circumstances in support of these allegations are set forth in paragraph 15, above, and are incorporated herein as set forth in full.

### **OTHER MATTERS**

22. Pursuant to Code section 4307, if discipline is imposed on PHY 51669, issued to Respondent MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, while Mouiz Kohanghadosh had been an officer and owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Mouiz Kohanghadosh shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner

of a licensee for five years if Pharmacy Permit Number PHY 51669 is placed on probation or until Pharmacy Permit Number PHY 51669 is reinstated if it is revoked.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Permit Number PHY 51669, issued to Respondent MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, Mouiz Kohanghadosh;

2. Revoking or suspending Pharmacist License Number RPH 62065, issued to Respondent Mouiz Kohanghadosh;

3. Prohibiting Respondent Mouiz Kohanghadosh from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51669 is placed on probation or until Pharmacy Permit Number PHY 51669 is reinstated if it is revoked

4. Ordering Respondents MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy and Mouiz Kohanghadosh to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

5. Taking such other and further action as deemed necessary and proper.

DATED: 11/23/2020

Signature on File

ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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